

AGN NO. ____

MOTION BY SUPERVISORS SHEILA KUEHL AND
HILDA L. SOLIS

MAY 14, 2019

Proposed Rule to Prohibit Undocumented Immigrants from Receiving Federal Housing Assistance

Under Section 214 of the Housing and Community Development Act of 1980, as amended, undocumented immigrants cannot receive federal housing assistance.

However, families of mixed-immigration status can live in subsidized housing if at least one member of the household is eligible to receive assistance. Mixed-status families are households that include both members who are eligible and ineligible for housing assistance based on their immigration status.

Under current law, in addition to citizens, lawful permanent residents, refugees, and asylum seekers are also eligible for federal housing assistance, but undocumented immigrants are not. Public housing subsidies for mixed-status families are prorated based on market rent. Ineligible family members do not receive any housing assistance; as such, mixed-status family households pay a substantially higher rent than households that do not include undocumented family members.

On April 17, 2019, the U.S. Department of Housing and Urban Development

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Solis	_____
Ridley-Thomas	_____
Kuehl	_____
Barger	_____
Hahn	_____

(HUD) proposed a rule for Congressional review that would prohibit mixed status families from receiving federal housing assistance through HUD Public Housing, Project-Based Rental Assistance, and Housing Choice Voucher programs.

Under the proposed rule, undocumented immigrants in mixed-status families would be prohibited from living in assisted housing – even if they are not the direct recipient of the benefit. The rule would also require all residents under the age of 62 to have their immigration status screened through the Department of Homeland Security's Alien Verification for Entitlements (SAVE) program.

HUD Secretary Ben Carson stated that the proposed rule is needed in order to trim waitlists and ensure that federal affordable housing resources are provided only to people who are legally entitled to it. However, implementation of this rule will keep people who are legally eligible for housing assistance from receiving help and could foster the break-up of families. For example, in the instance where the undocumented family member is a parent, families would be forced to either choose the removal of the undocumented parent from the household, or be evicted as a whole. Evicted families could be rendered homeless due to limited means and severe shortage of affordable housing in Los Angeles.

Expanded use of the Department of Homeland Security's verification system would also have a chilling effect on mixed-status families. The National Association of Housing and Redevelopment Officials has said that the proposed changes have raised concerns about the ways in which housing authorities would execute potential evictions.

This proposed rule would have a severe impact in Los Angeles County where there is already an affordable housing crisis. Families evicted from assisted housing

under this rule would have an extremely hard time finding affordable housing and many would likely end up homeless. This is particularly cruel for children who are U.S citizens, but would not be able to stay in assisted housing if even one of their parents or legal guardians are not documented. The Housing Authority of County of Los Angeles estimates that there are currently 88 mixed-status families in public housing and 362 mixed-status families in voucher programs. There are thousands more mixed-status families under the jurisdiction of other public housing authorities in the County.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Oppose the proposed rule to prevent undocumented immigrants from living in federally assisted housing and send a 5-signature letter to HUD Secretary Ben Carson opposing the proposed rule;
2. Send a 5-signature letter to the Los Angeles congressional delegation indicating the County's opposition to the proposed rule; and
3. Direct the Community Development Commission/Housing Authority of the County of Los Angeles, in consultation with County Counsel, to submit comments to the U.S. Department of Housing and Urban Development before the end of the 60-day comment period.